

DRAFT
AMENDMENT TO AGREEMENT No. 6
FOR CONSULTATION AND OTHER SERVICES

This Amendment is entered into this _____ day of _____, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and JMH Weiss, Inc. (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional mapping, survey, and utility engineering design services for Abel Street as part of the improvement of Midtown on March 25, 2004; and

WHEREAS, the parties entered into an Agreement Amendment #2 to allow CONSULTANT to provide professional topographic and ALTA Survey services on the parcel proposed as the location of the New Senior Housing and Medical Center on June 28, 2004. The parcel is located along the west side of North Main Street, south of Weller Avenue, and behind the City owned DeVries house.

WHEREAS, the parties entered into an Agreement Amendment #3 to provide professional traffic consulting services for North Main Project area (New Library, Parking Structure, Proposed Senior Housing and Proposed Medical Office Building), Serra Way between Calaveras Blvd and South Main Street, Abel Street Development and KB Homes Development at Abel Street on June 28, 2004.

WHEREAS, the parties entered into an Agreement Amendment #4 to provide professional traffic consulting services for Abel Street at Serra Center and 330 South Abel Street on September 10, 2004.

WHEREAS, the parties entered into an Agreement Amendment to provide professional engineering services to design Opticom Interconnect Systems along Abel Street at Weller Lane, Serra Way, Corning Avenue and Curtis Avenue and to conduct turning movement counts at Abel Street and Junipero Drive; to provide boundary, topographic, and utility survey in Curtis Avenue and a video inspection of the sewer and storm within Abel Street; to provide construction drawings for sanitary sewer upgrades in Abel Street and Curtis Avenue; to provide utility undergrounding master plan; and to provide a landscape concept plan for portions of Abel Street on October 19, 2004.

WHEREAS, the parties now desire to amend the Agreement to provide services to pothole and locate certain utilities within the Abel Street improvement project.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

The term of this Agreement shall begin on the date first noted above and shall end on **May 30, 2006**.

2. Section 1, entitled "Services" is amended by adding Exhibit "**A-6**", which is attached hereto and incorporated by reference herein.
3. Section 2, entitled "Compensation" is amended to add Exhibit "**B-6**", which is attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibits "**A-6**" is a "Cost Not To Exceed" amount. The total maximum amount of compensation to be paid for the tasks outlined in Exhibit "**B-6**" shall not exceed **\$45,000.00**

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **March 25, 2004**, between **JMH Weiss, Inc.** and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

City Engineer as to Content

Kevin R. Weiss P.E, P.L.S.
President
JMH Weiss, Inc.

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
<input checked="" type="checkbox"/> Budget Appropriation	391-9518157153999	\$80,000	391-951815714800	\$80,000
<input type="checkbox"/> Budget Transfer	395-2940	\$80,000	395-3999	\$80,000

Explain the reason for the budget change:

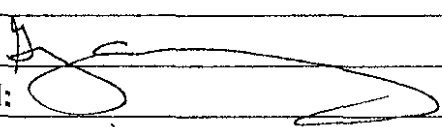
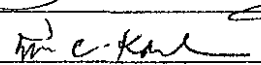
On March 25, 2004, the City Council awarded a consultant services agreement to JMH Weiss, Inc. to provide base mapping, utility mapping, and to design street improvements on Abel Street from Weller Lane to Great Mall Parkway to address the appropriate upgrades and additions required to create a boulevard corridor on Abel.

Staff now recommends that JMH Weiss perform additional services to verify the depth and locations of buried underground utilities and to verify the accuracy of record information used for the design. A review of the construction plans has determined the most critical utility locations to pothole. Because contractors often submit construction claims based upon finding unrecorded or unexpected buried utilities, staff recommends this additional work as a means to reduce possible costly construction claims.

Approve an appropriation of \$80,000 from the 2003 RDA TABs CIP Fund into the Abel Street Midtown Improvements CIP 8157 to cover the costs associated with the additional services of JMH Weiss, Inc. to verify the depth and locations of buried underground utilities and to verify the accuracy of record information used for the design of street improvements on Abel Street.

☒ Check if City Council Approval required.

Meeting Date: April 5, 2005

Itemization of funds, if needed:			Amount
Requested by:	Division Head: 	Date:	3/24/05
	Department Head:	Date:	
Reviewed by:	Finance Director: 	Date:	3/24/05
Approved by:	City Manager:	Date:	
Date approved by City Council, if required:		Confirmed by:	